



PUBLIC NOTICE

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DA 16-1451

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST
BY STATE OF NORTH DAKOTA TO USE FREQUENCY 155.4750 MHZ FOR MULTI-
DISCIPLINE MUTUAL AID COMMUNICATION WITHIN 25 KM OF THE U.S.-CANADA
BORDER**

FCC File Number 0007016716

Comment Date: January 27, 2017

Reply Comment Date: February 13, 2017

The Public Safety and Homeland Security Bureau (Bureau) seeks comment on a waiver request filed by the State of North Dakota (North Dakota) to use frequency 155.4750 MHz (or VLAW31) within 25 kilometers of the U.S. – Canada border for interagency coordination during emergencies.¹

North Dakota is licensed to operate on frequency 155.4750 MHz for transmissions from mobile or portable units throughout the entire state via Private Land Mobile Radio (PLMR) license call sign KO5210.² It's also holds several additional PLMR licenses permitting it to operate numerous base stations throughout the state on frequency 155.4750 MHz.³

On November 5, 2015, North Dakota filed an application seeking a waiver of Section 90.20(d)(41) so it can permit all the public safety first responders who operate under its call sign KO5210 to use VLAW31 when communicating during emergencies within 25 kilometers of the U.S. – Canada border.⁴

Pursuant to Section 90.20(d)(41) of the Commission's rules, VLAW31 is reserved nationwide for use in police emergency communications networks operated under statewide law enforcement emergency communications plans.⁵ Therefore, North Dakota needs a waiver to expand use of the channel to communications during all types of emergencies rather than just police emergencies.

¹ Attachment labeled "waiver on Canadian border for VLAW31" to ULS File No. 0007016716 (Nov. 5, 2015) (Waiver Request).

² Call sign KO5210.

³ See e.g., call sign WQDA865.

⁴ ULS File No. 0007016716.

⁵ 47 CFR § 90.20(d)(41).

In support of its waiver request, North Dakota says it is working through the Western Border Interoperability Working Group to “improve cross-border coordination of public safety service.”⁶ It states that, if its waiver is granted, North Dakota will expand use of VLA31 within 25 kilometers of the border with Canada to:

- Improve day-to-day emergency communications between local, state, provincial, tribal, and federal entities along and across the Canada border
- Improve communications interoperability among emergency response providers responding to threats and natural disasters on or near the border; and
- Facilitate communications interoperability among emergency response providers in border communities of varying population densities.⁷

North Dakota also notes that terrain near the border with Canada is “extremely rural” and that a “cross-discipline” of first responders on both sides of the border rely on the VHF band for their communications.⁸

We seek comment on whether or not the Bureau should grant North Dakota a waiver of Section 90.20(d)(41) permitting it to expand operations on VLA31 to all types of emergency communications within 25 kilometers of the U.S.-Canada border.⁹

Interested parties may file comments on or before January 23, 2017.¹⁰ Parties may file replies on or before February 7, 2017.¹¹

Instructions for Filing Comments

All comments and reply comments should reference the subject State of North Dakota and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant’s file number(s) in the Commission’s Universal Service Licensing System (ULS),¹² or (2) by filing paper copies.

⁶ Waiver Request at 1.

⁷ *Id.* at 2.

⁸ *Id.*

⁹ If the waiver is granted, the Bureau would add a condition to North Dakota’s license call sign KO5210 noting expanded operations are permitted on VLA31 within 25 kilometers of the U.S.-Canada border.

¹⁰ 47 CFR § 1.405.

¹¹ *Id.*

¹² *Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

Electronic Filers: Pleadings may be submitted electronically as follows:

- Begin the process by using the following link to the ULS website <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>. The link will take you to the “*Pleading Information*” screen for “Non-docketed Pleadings” where you select “Reply” in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: “*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*”¹³ Click on “CONTINUE.”
- The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.
- The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.
- Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

¹³ See 47 CFR Part 1.

Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding contact Brian Marengo, Electronics Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or Brian.Marengo@fcc.gov.

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